



IRA A. JACKSON
COMMISSIONER

The Commonwealth of Massachusetts
Department of Revenue
Leverett Saltonstall Building
100 Cambridge Street, Boston 02204

October 24, 1984

On behalf of ("Company"), you inquire whether the Massachusetts sales tax applies to sales of kidney dialysis machines and replacement parts, other kidney dialysis equipment, and disposable dialysis supplies. The Company sells these items separately. Through its Division, it also sells or leases them as a package to kidney patients for use in their homes. On its invoices to customers who purchase the package, the Company states separate charges for each item it provides.

It is assumed that the sales about which you inquire are not exempt under General Laws Chapter 64H, Section 6(e), which provides that sales to certain religious, educational, charitable and scientific organizations are not subject to the sales tax.

General Laws Chapter 64H, Section 6(1) provides that the sales tax does not apply to

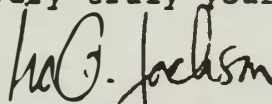
[s]ales of medicine...on prescriptions of registered physicians...; sales of artificial devices individually designed, constructed or altered solely for the use of a particular crippled person so as to become a brace, support, supplement, correction or substitute for the bodily structure including the extremities of the individual; [and] sales of artificial limbs, artificial eyes, hearing aids and other equipment worn as a correction or substitute for any functioning portion of the body.

Sale is defined in Chapter 64H, Section 1(12)(a) as including leases and rentals.

October 24, 1984

Based on the foregoing, it is ruled that the Company's sales and leases of kidney dialysis machines and replacement parts, other kidney dialysis equipment, and disposable dialysis supplies are subject to the sales tax, whether the items are sold or leased separately or as part of a package.

Very truly yours,

A handwritten signature in dark ink, appearing to read "H.G. Jackson". The signature is written in a cursive style with a large, prominent "H" and "J".

Commissioner of Revenue

IAJ:JXD:mf

LR 84-95